

JOURNAL OF THE SENATE

Tuesday, April 27, 1943

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 26, 1943.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Monday, April 26, 1943, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Your Committee on Judiciary "B," to whom was referred: Senate Bill No. 129:

A bill to be entitled An Act relating to the taking of depositions, and providing for the taking of depositions before certain commissioned officers of the armed forces of the United States.

Have had the same under consideration, and recommend that the same does not pass.

Very respectfully,

JOHN E. MATHEWS,

Chairman of Committee.

And Senate Bill No. 129, contained in the above report, was laid on the table.

Your Committee on Judiciary "B," to whom was referred: Senate Bill No. 226:

A bill to be entitled An Act repealing Section 165.25 of the Compiled Laws of Florida, 1941, relating to voluntary retirement with half pay authorized for elective officers of cities and towns.

Have had the same under consideration, and recommend that the same pass.

Very respectfully,

JOHN E. MATHEWS,

Chairman of Committee.

And Senate Bill No. 226, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Transportation and Traffic, to whom was referred:

Senate Bill No. 13:

A bill to be entitled An Act to amend Section 347.08 of the "Florida Statutes, 1941," authorizing the State Railroad Commission to regulate the operation of and fix tolls for certain toll bridges, toll roads, and causeways in the State of Florida.

Have had the same under consideration and recommend that the following Committee Substitute therefor do pass:

Committee Substitute for Senate Bill No. 13:

A bill to be entitled An Act to amend Section 347.08 of the "Florida Statutes, 1941," authorizing the State Railroad Commission to regulate the operation of and fix tolls for certain toll bridges and causeways in the State of Florida.

Very respectfully,

W. T. DAVIS,

Chairman of Committee.

And Senate Bill No. 13 together with Committee Substitute therefor, contained in the above report, was placed on the

Calendar of Bills on Second Reading.

Your Committee on Constitutional Amendments, to whom was referred:

House Joint Resolution No. 13:

Proposing an amendment to Section 12 of the Declaration of Rights in the Constitution of the State of Florida, relating to double jeopardy, self-incrimination, due process of law, and the taking of private property without just compensation, by providing the right of citizens to work shall not be denied or abridged on account of membership or non-membership in any labor union, or labor organization.

Have had the same under consideration, and recommend that the same pass.

Very respectfully,

WALLACE E. STURGIS,

Chairman of Committee.

And House Joint Resolution No. 13, contained in the above report, was referred to the Committee on Labor and Industry under the joint reference.

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 215:

Proposing an amendment to Article V of the Constitution of Florida by adding thereto an additional section relating to the election of State Attorneys, Judges of Criminal Courts of Record, County Solicitors, Judge of Court of Record of Escambia County and Solicitor of Court of Record of Escambia County.

Have had the same under consideration, and recommend that the same pass.

Very respectfully,

WALLACE E. STURGIS,

Chairman of Committee.

And Senate Joint Resolution No. 215, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Engrossed Bills, to whom was referred (with amendments) after Third Reading:

Senate Bill No. 80:

A bill to be entitled An Act to amend 192.06, Florida Statutes, 1941, relating to property exempt from taxation, so as to authorize taxation of such property of the United States as it shall permit to be taxed.

Have carefully examined same, and find same correctly engrossed, and return same herewith.

Very respectfully,

K. GRINER,

Chairman of Committee.

And Senate Bill No. 80, contained in the above report, was certified to the House of Representatives.

Your Committee on Engrossed Bills, to whom was referred (with amendments) after Third Reading, April 26th, 1943:

Senate Bill No. 196:

A bill to be entitled An Act to amend Section 617.01, Florida Statutes 1941, relating to the authority and manner of incorporating corporations not for profit, by prescribing additional procedure for incorporating Child Care or Placement Agencies.

Have carefully examined same, and find same correctly engrossed, and return same herewith.

Very respectfully,

K. GRINER,

Chairman of Committee.

And Senate Bill No. 196, contained in the above report, was certified to the House of Representatives.

Your Committee on Engrossed Bills, to whom was referred (with amendments) after Third Reading:

Senate Bill No. 240:

A bill to be entitled An Act relating to taxation and to provide that when lands are sold for non-payment of taxes or any tax certificate has been or shall be issued thereon, the title to or lien upon such lands shall continue to be subject to any easement for telephone, telegraph, pipeline, power transmission or other public service purpose, provided that such easement is evidenced by a written instrument, recorded in the county where such lands are located. And provided further that nothing contained in such Act shall exempt from taxation any personal property of the owner of such easement.

Have carefully examined same, and find same correctly engrossed, and return same herewith.

Very respectfully,

K. GRINER,

Chairman of Committee.

And Senate Bill No. 240, contained in the above report, was certified to the House of Representatives.

Your Joint Committee on Enrolled Bills, to whom was referred:

Senate Bill No. 56:

A bill to be entitled An Act providing for the appointment and compensation of an Assistant County Solicitor in and for the Court of Record of Escambia County, Florida, and in all Constitutional Courts of Record in the State of Florida.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Lewis—

Senate Bill No. 267:

A bill to be entitled An Act adopting a comparative negligence rule for negligence actions.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By the Committee on Judiciary "A"—

Senate Bill No. 268:

A bill to be entitled An Act to amend Section 59.14 Florida Statutes, 1941, relating to writs of error and appeals taken by Constitutional Officers of the State of Florida, and by any Board of County Commissioners or by any Board of Public Instruction, of any of the counties of this State, operating as a supersedeas.

Which was read the first time by title only.

Senator Lewis moved that the rules be waived and Senate Bill No. 268 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 268 was read the second time by title only.

Senator Franklin moved that the rules be further waived and Senate Bill No. 268 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 268 was read the third time in full.

Upon the passage of Senate Bill No. 268 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Clett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder,

Johnson, King, Lewis, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 268 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Judiciary "A"—

Senate Bill No. 269:

A bill to be entitled An Act authorizing the taxing of costs incurred in executing rules nisi and citations to appear, issued by any of the courts of this state, against the county, when the judge or one of the judges of such court shall so direct.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "A"—

Senate Bill No. 270:

A bill to be entitled An Act to prescribe a uniform and exclusive method and procedure for procuring a final decree of dissolution of any corporation dissolved or eligible or liable to be dissolved under the terms or provisions of any Statute or Law of the State of Florida, and defining the jurisdiction and powers of the Circuit Courts of the State of Florida in reference thereto, and the remedies that may be applied therein.

Which was read the first time by title only.

Senator Shuler moved that Senate Bill No. 270 be indefinitely postponed.

Which was agreed to and it was so ordered.

By the Committee on Judiciary "A"—

Senate Bill No. 271:

A bill to be entitled An Act relating to the removal of disabilities of married women, prescribing the jurisdiction of Circuit Courts with reference thereto, providing the procedure therefor, and repealing Sections 62.27 to 62.30, inclusive, Florida Statutes 1941, and all other Laws or parts of Laws in conflict with this Act.

Which was read the first time by title only.

Senator Lewis moved that the rules be waived and Senate Bill No. 271 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 271 was read the second time by title only.

Senator Lewis moved that the rules be further waived and Senate Bill No. 271 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 271 was read the third time in full.

Upon the passage of Senate Bill No. 271 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 271 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Mathews withdrew Senate Bill No. 74.

By Senator Griner—

Senate Bill No. 272:

A bill to be entitled An Act to repeal Chapter 21051, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act to provide that the Sheriff in all counties of Florida, having a population of not less than 7,000 and not more than 7,050 according to the last Federal census shall be allowed \$50.00 per month for a jailor, and to provide for the payment thereof."

Which was read the first time by title only.

Senator Griner moved that the rules be waived and Senate Bill No. 272 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 272 was read the second time by title only.

Senator Griner moved that the rules be further waived and Senate Bill No. 272 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 272 was read the third time in full.

Upon the passage of Senate Bill No. 272 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 272 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Griner—

Senate Bill No. 273:

A bill to be entitled An Act to repeal Chapter 20645, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act fixing the salaries and fees of the Justices of the Peace and Constables in all counties of the State of Florida, having a population of not less than 7,000 and not more than 7,050, according to the 1940 Federal census."

Which was read the first time by title only.

Senator Griner moved that the rules be waived and Senate Bill No. 273 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 273 was read the second time by title only.

Senator Griner moved that the rules be further waived and Senate Bill No. 273 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 273 was read the third time in full.

Upon the passage of Senate Bill No. 273 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 273 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Griner—

Senate Bill No. 274:

A bill to be entitled An Act to repeal Chapter 21050, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act to provide that the County Judge in all counties in Florida, having a population of not less than 7,000 and not more than 7,050 according to the last Federal census, shall be allowed \$50.00 per month for Clerk or Secretary and provide for the payment thereof."

Which was read the first time by title only.

Senator Griner moved that the rules be waived and Senate Bill No. 274 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 274 was read the second time by title only.

Senator Griner moved that the rules be further waived and Senate Bill No. 274 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 274 was read the third time in full

Upon the passage of Senate Bill No. 274 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 274 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator McArthur—

Senate Bill No. 275:

A bill to be entitled An Act authorizing and empowering the Sheriffs of the various counties of this State to furnish guard service against sabotage; providing that such guards shall be Deputy Sheriffs; defining industry and setting out the terms of employment of such guards, their duties, scale of pay and other conditions of employment, and providing that such industries reimburse said Sheriffs for the actual expense of such guard service; and ratifying and confirming the furnishing of such guard service heretofore furnished by Sheriffs of this State to industry.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Sheldon—

Senate Bill No. 276:

A bill to be entitled An Act to authorize the Board of County Commissioners of Hillsborough County, Florida, at their discretion to appoint one Impounding Officer for each Commissioner's District to carry out and perform the duties prescribed in Chapter 16463, Special Laws of Florida 1933, for Sheriffs, Constables and Justices of the Peace, to provide for the payment of compensation of such Impounding Officer or Officers and to authorize the County Commissioners of Hillsborough County, Florida, to expend not more than \$100.00 per annum in each Commissioners District to enable such Officer or Officers to carry out and perform the duties necessary to be performed by him or them.

Which was read the first time by title only.

Proof of Publication of Notice was attached to Senate Bill No. 276 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Sheldon moved that the rules be waived and Senate Bill No. 276 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 276 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 276 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 276 was read the third time in full.

Upon the passage of Senate Bill No. 276 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 276 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Davis—

Senate Bill No. 277:

A bill to be entitled An Act fixing the period of prescription for acquiring easements over or upon real property, by rural

electric cooperatives, by the establishment of power and transmission plants and lines over or upon said property.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Davis—
Senate Bill No. 278:

A bill to be entitled An Act conferring the power of eminent domain upon rural electric cooperatives organized under the Rural Electric Cooperative Law of Florida; and prescribing the method by which such power may be exercised.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Sheldon—
Senate Bill No. 279:

A bill to be entitled An Act providing for the cancellation of all taxes and special assessments heretofore levied and assessed which are outstanding and unpaid, which taxes and special assessments were levied in pursuance of Chapter 9470, Laws of Florida, 1923, and by drainage districts in Hillsborough County, by virtue of Chapter 6458, Laws of Florida, 1913, against any real estate owned or leased by the Board of Public Instruction of Hillsborough County or any Special Tax School District, for public school purposes in Hillsborough County, Florida, and providing for an appropriate entry on the tax records of all such taxing districts showing the cancellation of the taxes and special assessments so that the same shall not hereafter appear as collectible or owing upon the tax rolls or records of such district.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 279 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Sheldon moved that the rules be waived and Senate Bill No. 279 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 279 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 279 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 279 was read the third time in full.

Upon the passage of Senate Bill No. 279 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 279 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—
Senate Bill No. 280:

A bill to be entitled An Act for the relief of Gus Cheshire of Jacksonville, Duval County, Florida, and providing an appropriation for injuries and damages sustained by him by reason of an accident with a truck belonging to and being operated by the State Road Department, and providing for the payment of same.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Collins—
Senate Bill No. 281:

A bill to be entitled An Act to require the approval of the State Budget Commission for the payment or agreement to pay any expenses or costs, by any State officer, or board under any law heretofore enacted or hereafter enacted, whereby a tax is imposed and authority is given for the expenditure

of any portion of the revenue derived from such tax in the enforcement and collection thereof.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Shands—
Senate Bill No. 282:

A bill to be entitled An Act authorizing the State Board of Control to borrow money from any bank, trust company, corporation, private agency or individual, not to exceed one hundred thousand dollars (\$100,000), for the purpose of operating the dining hall or halls used for feeding, under contract with the United States Government, members of the armed forces while in training at the University of Florida at Gainesville, Florida; to authorize and provide for the issuance of notes by said board evidencing such indebtedness and the giving of security therefor; and providing for the repayment of such loans and proceeds of the receipts of such contracts for feeding the armed forces; and protecting the State of Florida against the incurring of indebtedness in such or any manner inconsistent with the Constitution of Florida; and conferring upon said State Board of Control the powers to carry out the provisions of this Act.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Sheldon—
Senate Bill No. 283:

A bill to be entitled An Act to prohibit the issuance of a license to marry to any person having previously obtained a divorce in the State of Florida unless the final decree of divorce granted to either party was entered six months prior to the application for said license.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Sheldon—
Senate Bill No. 284:

A bill to be entitled An Act to amend Section 65.04 of the 1941 Florida Statutes prohibiting the filing of a bill for divorce less than six months after separation between man and wife.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Sheldon—
Senate Bill No. 285:

A bill to be entitled An Act prohibiting intermarriage of parties within the State of Florida less than two days after a marriage license has been issued.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

Senator King moved that a committee be appointed to escort Honorable Ernest E. Mason, Judge of the Court of Record of Escambia County, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators King, Upchurch and McKenzie as the committee.

By Senator Sheldon—
Senate Bill No. 286:

A bill to be entitled An Act requiring a health certificate to be obtained by any male or female person applying for a marriage license.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Shands—
Senate Bill No. 287:

A bill to be entitled An Act prescribing the compensation to be paid to the County Commissioners of Alachua County, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 287 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Shands moved that the rules be waived and Senate Bill No. 287 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 287 was read the second time by title only.

Senator Shands moved that the rules be further waived and Senate Bill No. 287 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 287 was read the third time in full.

Upon the passage of Senate Bill No. 287 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 287 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Shands—

Senate Bill No. 288:

A bill to be entitled An Act relating to the compensation of the Clerk of the Circuit Court for services performed in suits or proceedings before the Circuit Court in all counties of the State of Florida having a population of not less than thirty-eight thousand five hundred and not more than thirty-eight thousand seven hundred, according to the official Federal census of 1940.

Which was read the first time by title only.

Senator Shands moved that the rules be waived and Senate Bill No. 288 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 288 was read the second time by title only.

Senator Shands moved that the rules be further waived and Senate Bill No. 288 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 288 was read the third time in full.

Upon the passage of Senate Bill No. 288 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 288 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Shands—

Senate Bill No. 289:

A bill to be entitled An Act authorizing photographic recording of instruments by the Clerks of the Circuit Courts in counties of the State of Florida having a population of more than 38,500 and less than 38,700 inhabitants according to the 1940 Federal census.

Which was read the first time by title only.

Senator Shands moved that the rules be waived and Senate Bill No. 289 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 289 was read the second time by title only.

Senator Shands moved that the rules be further waived and Senate Bill No. 289 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 289 was read the third time in full.

Upon the passage of Senate Bill No. 289 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder,

Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 289 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Franklin moved that a committee be appointed to escort Honorable Samuel D. Fitzsimmons, Mayor of Ft. Myers, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Franklin, McKenzie and Mathews as the committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 27, 1943.

Hon. Philip D. Beall,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

By Mr. Wiseheart of Dade—

House Bill No. 63:

A bill to be entitled An Act referring to corporations and the restoration of the corporate privileges and corporate entity of corporation dissolved by operation of law for failure to pay the capital stock tax, and prescribing conditions for such restoration.

Committee Substitute for House Bill No. 94:

A bill to be entitled An Act authorizing the County Judge's Court to issue delayed birth certificates: providing for a cumulative method for obtaining delayed birth certificates upon petition and order in the County Judge's Court, authorizing the County Judge's Court to order and certify the date of birth, place of birth and parentage, or any of such facts of any resident of the State of Florida, providing for the filing of a copy of such certificates with the Bureau of Vital Statistics, State Board of Health, requiring said bureau to furnish necessary blanks and authorizing certified copies thereof, providing the effect of such order, and for the appeals from the same.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 63, contained in the above Message, was read the first time by title only.

Senator King moved that the rules be waived and House Bill No. 63 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 63 was read the second time by title only.

Senator King moved that the rules be further waived and House Bill No. 63 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 63 was read the third time in full.

Upon the passage of House Bill No. 63 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So House Bill No. 63 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And Committee Substitute for House Bill No. 94, contained

in the above Message, was read the first time by title only and referred to the Committee on Judiciary "B."

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 27, 1943.

Hon. Philip D. Beall,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members elected to the House of Representatives for the 1943 Session of the Florida Legislature:

By Mr. Martin of Hillsborough—
House Bill No. 35:

A bill to be entitled An Act for the correct and release of liability of G. H. Cornelius as County Judge of Hillsborough County, Florida, in his drivers' license account for the license year of 1940-41.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Bill No. 35, contained in the above Message, was read the first time by title only.

Senator Sheldon moved that the rules be waived and House Bill No. 35 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 35 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and House Bill No. 35 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 35 was read the third time in full.

Upon the passage of House Bill No. 35 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Sturgis, Taylor, Upchurch, Wilson—32.

Nays—None.

So House Bill No. 35 passed by the required Constitutional two-thirds vote of all members elected to the Senate for the 1943 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 27, 1943.

Hon. Philip D. Beall,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

By Messrs. Peters, Wiseheart and Gautier of Dade—
House Bill No. 199:

A bill to be entitled An Act empowering the Boards of County Commissioners of the several counties to invest and reinvest surplus public funds; requiring all securities so purchased to be earmarked and placed in a safety deposit box in some bank or institution carrying adequate safety deposit box insurance; providing for methods of withdrawal of such securities; and authorizing said boards to sell the same and to pay proceeds of sale into the proper account or fund of said county; and defining such surplus funds.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Bill No. 199, contained in the above Message,

was read the first time by title only and referred to the Committee on County Organizations.

Senator Mathews moved that the rules be waived and the Senate take up and consider Senate Bill No. 226, out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 226:

A bill to be entitled An Act repealing Section 165.25 of the Compiled Laws of Florida, 1941, relating to voluntary retirement with half pay authorized for elective officers of cities and towns.

Was taken up.

Senator Mathews moved that the rules be further waived and Senate Bill No. 226 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 226 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 226 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 226 was read the third time in full.

Upon the passage of Senate Bill No. 226 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 226 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis moved that the rules be waived and the Senate take up and consider Senate Bill No. 13, out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 13:

A bill to be entitled An Act to amend Section 347.08 of the "Florida Statutes, 1941," authorizing the State Railroad Commission to regulate the operation of and fix tolls for certain toll bridges, toll roads and causeways in the State of Florida.

Was taken up.

Senator Collins moved that the rules be further waived and Senate Bill No. 13 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 13 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 13:

A bill to be entitled An Act to amend Section 347.08 of the "Florida Statutes, 1941," authorizing the State Railroad Commission to regulate the operation of and fix tolls for certain toll bridges, and causeways in the State of Florida.

Was taken up and read the first time by title only.

Senator Collins moved that the rules be further waived and the Committee Substitute for Senate Bill No. 13 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 13 was read the second time by title only.

Senator Collins moved the adoption of the Committee Substitute for Senate Bill No. 13.

Which was agreed to and the Committee Substitute for Senate Bill No. 13 was adopted.

Senator Collins moved that the rules be further waived and Committee Substitute for Senate Bill No. 13 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 13 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 13 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Shands, Sheldon, Sturgis, Taylor, Upchurch, Wilson—30.

Nays—Senator Rose—1.

So Committee Substitute for Senate Bill No. 13 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

SENATE BILLS ON THIRD READING

Senator Upchurch moved that Senate Bill No. 27 be re-committed to the Committee on Education.

Which was agreed to and it was so ordered.

Senator Mathews moved that Senate Bill No. 101 be re-committed to the Committee on Judiciary "B."

Which was agreed to and it was so ordered.

SENATE BILLS ON SECOND READING

Senate Bill No. 255:

A bill to be entitled An Act to amend Section 1 of Chapter 14899, Acts of 1931, as amended by Section 1, Chapter 17253, Acts 1935, as amended by Section 1 of Chapter 19190, Acts 1939; Section 5 of Chapter 14899, Acts 1931, as amended by Section 4 of Chapter 17253, Acts 1935, as amended by Section 2 of Chapter 19190, Acts 1939; Section 11 of Chapter 14899, Acts 1931, as amended by Section 6 of Chapter 17253, Acts 1935, as amended by Section 3, Chapter 20960, Acts 1941, being "An Act regulating the sale of securities and to make uniform the law relating thereto; and to repeal statutes which are inconsistent herewith."

Was taken up in its order.

Senator Collins moved that the rules be waived and Senate Bill No. 255 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 255 was read the second time by title only.

Senator Collins moved that the rules be further waived and Senate Bill No. 255 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 255 was read the third time in full.

Upon the passage of Senate Bill No. 255 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Sturgis, Taylor, Upchurch, Wilson—33.

Nays—None.

So Senate Bill No. 255 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator King moved that Senate Bill No. 70 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

Senator Sheldon moved that Senate Bill No. 213 be withdrawn from the Committee on Public Health and placed on the Calendar of Bills on Second Reading.

Which was agreed to and it was so ordered.

By unanimous consent Senator Sheldon withdrew Senate Bill No. 213.

Senator Housholder moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 12:03 o'clock P. M., until 11:00 o'clock A. M., Wednesday, April 28, 1943.